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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,355	01/09/2002	Jason Robert McGee	RSW920010086US1	7289

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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/043,355

Applicant(s)

MCGEE ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



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## Detailed Office Action

1. This action is responsive to the amendment filed on May 5, 2006.
2. Claims 1-33 are pending.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al., (hereinafter Howard) U.S. Patent No. 6,678,731 in view of Sears et al., (hereinafter Sears) U.S. Patent No. 6,934,736.
5. **As to claim 1**, Howard teaches the invention as claimed, including a method of synchronizing cookies across a plurality of computing devices that access a network, said method comprising the steps of: (1) registering a plurality of computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2, lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (2) maintaining information as to the members of said account at a server on said network [see col.10, line 55 to col.11, line15](the information received in the completed web page authentication information maintained by authentication server); (4) storing at said server said data associated with said account to which said data corresponds[see col3, line 59 to col.4, line 2] (the authentication server may provide certain user profile information the affiliate server); (5) a server sending data to other member of said associated account [see col.7, lines 34-35](authentication server sends a message to each web server on the list of sites visited), and (6) said other members of said account updating their cookies in accordance with said data received from said server [see col.7, lines 25-39] (authentication server also updates a cookie that contains a list of all sites visited by user).

6. However, Howard does not explicitly disclose responsive to a change in one or more cookies stored at a first one of said computing devices that is a member of said account, said first member computing device sending a message to a server on said network containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds.
7. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses responsive to a change in one or more cookies stored at a first one of said computing devices that is a member of said account, said first member computing device sending a message to a server on said network containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].
8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20].
9. **As to claim 2**, Howard teaches the invention as claimed, wherein step (5) is performed responsive to a request for said one or more changed cookies received from another

computing device that is a member of said account: (7)[see Sears col.10, line 51 to col. 11, line.5] (change the user information in each of cookies).

10. **As to claims 3, and 18,** Howard does not explicitly teach periodically attempting to send said one or more changed cookies to computing devices that are members of said account. However, Howard does not explicitly discloses periodically attempting to send said one or more changed cookies to computing devices that are members of said account.

11. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses periodically attempting to send said one or more changed cookies to computing devices that are members of said account (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

12. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, liens 18-20].

13. **As to claims 4, and 19,** Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server records of the cookies stored at

said computing devices that are members of said account [see col.10, line 55 to col.11, line15](the information received in the completed web page authentication information maintained by authentication server); (5.2) comparing said records with said data stored at said server that relate to cookies that correspond to said account (Fig.4) (see abstract, col.7, lines 1-15).

14. **As to claims 5, and 20**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server records of the cookies stored at said computing devices that are members of said account (see col.10, line 55 to col.11, line15)(the information received in the completed web page authentication information maintained by authentication server); (5.2) comparing said records with said data stored at said server that relate to cookies that correspond to said account (Fig.4) (see abstract, col.7, lines 1-15), sending to each said computing device that is a member of said account only said data that relates to cookies for which it is determined [see col. 7, lines 34-36] (authentication server sends a message to each web server on the list of sites visited).
15. **As to claims 7, and 22**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server first records of the times at which step (5) was last performed with respect to each said computing device that is a member of said account, and (5.2) maintaining at said server second records of the client machine from which said data was received, and (5.3) comparing said first and second records with said data stored at said server that relate to said account (fig.4) (see col.6, lines 43 to col.7, lines 39), sending to each said computing device that is a member of said account

only said data that relates to cookies for which it is determined [see col. 7, lines 34-36]  
(authentication server sends a message to each web server on the list of sites visited).

16. **As to claims 8, 23 and 26**, Howard teaches the invention as claimed, wherein changes to a cookie comprise any of updates to said cookie, creation of said cookie, deletion of said cookie, and rewriting of said cookie [see col.7, lines 15-39] (creates a cookie).

17. **As to claims 9, and 27**, Howard teaches the invention as claimed, wherein step (6) comprises periodically requesting said changed cookies in said account [see col.6, lines 1-27] (reenter the password).

18. **As to claims 10, and 28**, Howard teaches the invention as claimed, wherein step (6) comprises requesting said changed cookies in said account each time said computing device accesses said network [see col.7, lines 1-39].

19. **As to claims 11, and 29**, Howard teaches the invention as claimed, wherein step (6) is performed responsive to said member computing device accessing a particular Web site for which it has stored corresponding cookies [see col.1, lines 35-59].

20. **As to claims 12, and 30**, Howard teaches the invention as claimed, wherein step (6) comprises, responsive to the accessing of a particular Web site, said member computing



device requesting from said server only those changed cookies in said account that correspond to said Web site [(see col.7, lines15-39].

21. **As to claims 13, and 31**, Howard teaches the invention as claimed, wherein step (3) is performed responsive to an instruction received by said member computing device to log off of said network [see col.8, lines 1-32, col.6, lines 1-27].
22. **As to claims 14, and 32**, Howard teaches the invention as claimed, wherein step (3) is performed in connection with cookies corresponding to a particular Web site responsive to said member computing device exiting said Web site [see col.1, lines 35-59].
23. **As to claims 15, and 33**, Howard teaches the invention as claimed, wherein step (3) is performed periodically [see col.6, lines 1-27].
24. **As to claim 16**, Howard teaches the invention as claimed, including a method of synchronizing cookies across a plurality of computing devices that access a network, said method comprising the steps of: (1) registering a plurality of computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (2) maintaining information as to the members of said account at a server on said network [see col.10, line 55 to col.11, line15](the information received in

the completed web page authentication information maintained by authentication server); (4) storing at said server said data and information identifying said account to which they correspond [see col3, line 59 to col.4, line 2] (the authentication server may provide certain user profile information the affiliate server); (5) a server sending data to other member of said associated account [see col.7, lines 34-35](authentication server sends a message to each web server on the list of sites visited). However, Howard does not explicitly disclose receiving messages from said computing devices that are members of said account identifying one or more cookies that have been changed at said computing devices, said messages also containing sufficient data from which said one or more cookies can be determined and the account to which said first member computing device corresponds.

25. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses receiving messages from said computing devices that are members of said account identifying one or more cookies that have been changed at said computing devices, said messages also containing sufficient data from which said one or more cookies can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

26. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it

would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20].

27. **As to claim 17**, Howard does not explicitly teach performing responsive to a request for changed cookies received from another computing device that is a member of said account.

28. **As to claim 24**, Howard teaches the invention as claimed, including a method of synchronizing cookies across a plurality of computing devices that access a network, said method comprising the steps of: (1) registering a plurality of computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (4) said member computing devices updating their cookies in accordance with said data [see col.7, lines 25-39] (the cookie is updated by adding the current affiliate server to the list of sites visited); (4)member computer device updating their cookies in accordance with said data[see col.7, lines 34-36](authentication server sends a message to each web server on the list of sited visited). However, Howard does not explicitly discloses responsive to a change in one or more cookies stored at a any of said computing devices that are members of said account, said computing device sending a message to a server on said network containing sufficient data from which said one or

more cookies can be determined and the account to which said first member computing device corresponds.

29. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses responsive to a change in one or more cookies stored at a any of said computing devices that are members of said account, said computing device sending a message to a server on said network containing sufficient data from which said one or more cookies can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

30. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20].

31. As to **claim 25**, Howard teaches the invention as claimed, further comprising the step of: (5) said member computing devices issuing requests for said data; and wherein step (3) is performed responsive to step (5) [see col.5, line 42 to col.6, line 27, and col.7, line 1-39].

### *Response to Arguments*

32. Applicant's arguments filed on May 5, 2006 have been fully considered, however they are not persuasive because of the following reasons:

33. Applicants argue that Howard does not teach sending the changed cookie data to the other member of the account. In response to Applicant's argument, the Patent Examiner maintain the rejection because Howard does teach sending the changed cookie data (*cookie*) to the other member (*web server*) of the account as shown in col.7, 15-39, (the authentication server updates or creates a cookies that contains a lists of all sites, and the cookie is updated by adding the current affiliate server to a list of sites visited).

Therefore, Howard clearly teaches the application claimed invention which is server sending data to other member associated account.

34. In response to applicant's arguments, the recitation "Howard does not teach Synchronizing cookies across a plurality of computers" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

35. Applicants argue that Howard and Sears do not suggest the proposed combination. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is

some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see *Sears*, col.1, line 55-60 and col.2, lines 18-20].

36. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *Sears* do not teach "maintaining consistent information in the same cookie at different machines") Applicant representative cited "*consistent information in the same cookie*" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
37. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 16, and 24. Claims 2-15, 17-23 and 25-33 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.
38. Accordingly, claims 1-33 are respectfully rejected.

### *Conclusion*

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *William Vaughn* can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

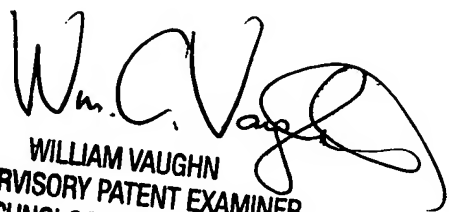
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TTN

August 3, 2006

  
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